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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/971,625 | 10/09/2001 | Donald H. Felsenthal | | 4515 |

7590

06/11/2003

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| EXAMINER |
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MAI, TRI M

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| ART UNIT | PAPER NUMBER |
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3727

DATE MAILED: 06/11/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/971,625

Applicant(s)

FELSENTHAL, DONALD H.

Examiner

Tri M. Mai

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,9-13,19,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,9-13,19,21 and 22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the vents disposed above a part of the surface (?) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. Claims 1-2, 6, 9-13, 19, 21 and 22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear which surface "said surface" is being referred to.

Claim Rejections - 35 USC § 102

3. Claims 1, 2, 6, 9-12, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marks (2821295). Marks teaches a garment container having a plurality of panel, at least one of the panels being a vertical side cut-out opening formed therein, a self contained closeable pocket formed by transparent material configured to hold a chemical composition therein, and means for providing access to the pocket 23. The back surface of the pocket is perforated with vents disposed above a part of both portions 17 and 20 to treat the garment without a gravitation of small residue particles through the vents.

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Regarding claim 6, the container in Marks is considered an underbed storage box as claimed, i.e., it can be placed under the bed.

Regarding claim 9, the zipper is arranged along the two side edges of the pocket, i.e, the term "along" means extending the same direction.

Regarding claims 10 and 11, two side edges of the pocket (note the pocket has four sides) coincides with two edges of panels 12 and 14.

Regarding claim 12, the pocket 16 extends completely across panel 12.

Regarding claim 19, note the zipper.

Claim Rejections - 35 USC § 103

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks. To the degree it is argued the access means is not arranged along the one side edge of the pocket. It would have been obvious to one of ordinary skill in the art at the time the invention was made to move the zippers 40 and 23, respectively in Marks, so that it is arranged along the one side edge of the pocket, since it is well known art to rearrange parts of an invention involves only routine skill in the art, see *In Re Japikse*, 86 USPQ 70 (CCPA) 1950.

5. Claims 13 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Mintz (2591277). Mintz teaches that it is known in the art to make garment bag from gas-impermeable -- plastic material (col. 1, lines 14). It would have been obvious to one of ordinary skill in the art to make the garment bag of Marks from plastic to manufacture the bag easily and/or to provide the desired protection.

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Regarding claim 21, to the degree it is argued that the container in Marks is not rectangular, it would have been obvious to one of ordinary skill in the art to form a rectangular storage container in Marks as taught by Mintz to provide the desired shaped of the container.

6. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marks in view of Mintz (2619225). Mintz teaches that it is known in the art to saw various parts of the container together (col. 5, lines 64). It would have been obvious to one of ordinary skill in the art to saw the pocket to the vertical side in Marks as taught by Mintz to make the bag easily.

Response to Arguments

7. Applicant's arguments filed 03/25/03 have been fully considered but they are not persuasive. Applicant asserts that Marks does not suggest the vents disposed above a surface. It is unclear what surface is being referred to. Furthermore, clearly Marks teaches a plurality of holes 25 as shown in fig. 3 disposed above portions 20 and a part of portion 17.

Applicant asserts that the pocket in Marks does not close a cut-out opening. On the contrary, portion 12 terminates at portion 12', that would leave a cut out portion in panel 12 from 12' to panel 11, and the pocket 16 close this cut-out portion as claimed. There is no difference between empty space between panel 12 and wall 11 in Marks and the term "cut-out".

With respect to the pocket being sewn to the panel, sewing is very popular method for making garment as set forth in Mintz '225 above. To saw the pocket to the garment requires only ordinary skill in the art.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (703)308-1038. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (703)308-2572. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3579 for regular communications and (703)305-3579 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

Tri M. Mai
Primary Examiner
Art Unit 3727



June 3, 2003